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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,854	12/07/2001	Eckhard Konig	42592	3591

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Mark S Bicks  
Roylance Abrams Berdo & Goodman  
Suite 600  
1300 19th Street NW  
Washington, DC 20036

EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 11/14/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/980,854

Applicant(s)

KONIG, ECKHARD

CS

Examiner

Tim Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

1. The amendment filed in Paper No. 15 (filed 8/28/02) has been fully considered and made of record.

### ***Specification***

2. On page 1 of the Amendment filed on or about 8/28/03 (Paper No. 15) above "Field of the Invention", insert:

#### **"Cross Reference to Related Document**

This application is a 371 PCT/EP00/05333 filed June 19th 2000, which claims the benefit of Germany Patent Application No. 199 26 900.9, filed June 12<sup>th</sup> 1999."

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11- 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerlach (US 5,157,299) hereinafter '299.

**As applied to claims 11, 12 and 16, the '299 teaches a method of producing a flat commutator, comprising the steps:**

- forming a metal carrier body (Cf. Fig. 1, element 2) with segment support parts;
- providing a hub made of electrically insulative material or plastic (Cf. Fig. 2, element 4; column 5, line 49);
- joining the annular plate of carbon disk that is metal-coated (Cf. Fig. 1, element 1; column 6, lines 14-16) for conductivity and strength to operate in hostile or aggressive environment (Cf. column 1, line 10; column 5, line 15);
- dividing the carrier body and annular disk into annular segment parts (Cf. Fig. 2, element 1; column 5, lines 18-20) and supporting parts (Cf. Fig. 2, element 2; column 5, line 21; column 7, line 24);
- coating the exposed or selected areas of the segments to the harsh environment (Cf. column 2, lines 10-15) by a resistant material or plastic which is a currentless deposition.

**As applied to claims 13-15, the '299 teaches the cutting of the combination of annular plate and plastic hub into segments (Cf. column 8, lines 17-21).**

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '299 in view of Carey, II et al (US 6,080,497) hereinafter '497.

The '299 teaches a method of producing a flat commutator, which reads on applicant's claimed limitations, including the coating of exposed areas with a resistant material against the harsh environment (Cf. column 2, lines 13-15).

The '497 teaches the application of a coating of tin alloy having a thickness greater than 0.0001" (2.5 micrometer) in order to have superior corrosive protection against harsh environment (CF. column 15, lines 25-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two teachings by applying the coating specification as taught by the '497 in order to protect the exposed areas of the flat commutator against corrosion.

***Response to Arguments***

7. Applicant's arguments filed 8/28/03 have been duly considered but they are not persuasive for the following reasons:

Applicant recite *inter alia* "... exposed surfaces of the segment body ... coating by currentless deposition" (Cf. Claim 11) The Examiner's position as stated in the preceding Action was and continues to be that since the '299 teaches the dividing of the carrier body and annular disk into separate segment parts (Cf. Fig. 2, element 1; column 5, lines 18-20) and supporting parts (Cf. Fig. 2, element 2; column 5, line 21; column 7, line 24), and the coating of the exposed or selected areas of the segments against the harsh environment (Cf. column 2, lines 10-15) by a resistant material or plastic which is a currentless deposition.

It appears that Applicant fails to recognize the scope of the claim when judged in view of the '299 and '497.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

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Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Furthermore, the Patent Office saith not.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on Monday - Friday, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter VO can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Tim Phan  
Examiner  
Art Unit 3729



CARL J. ARBES  
PRIMARY EXAMINER

tp  
November 6, 2003